IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 16655 of 1995

Between:

Mahesh Kumar, S/o Sri Madanlal Agarwal,
Small Saving Schemes, R/o Hyderabad. **..... PETITIONER**

AND

1.The District Collector (NSS),
O/o District Collector, Station Road,
Hyderabad.
2.Special Tahsildhar,
O/o Special Tahsildhar, National Saving Schemes,
Hyderabad dist, Hyderabad.
3.Superintendent Of Post Officer,
South - East Division, Kachiguda,
Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order more particularly one in the nature of writ of Mandamus by calling for the records relating to and connected with the proc. No.NSS/132/94, dated 15th July, 1995, as illegal, arbitrary, unconstitutional and violative of Principles of natural justice and quash the same and declare that I am entitled to continue the business as NSS Agent and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.PRATAP NARAYAN SANGHI

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

ORDER:

Heard learned Counsel for the parties.

Petitioner was an agent under National Savings Scheme. A show cause notice was issued to the petitioner on 06-1-1995 as to why his agency be not cancelled on the ground that he had committed some forgery. He filed an explanation and sought for time. Time was not given and an order terminating his agency was passed.

Learned Counsel for the petitioner submits that a stigma has been created by cancelling the agency of the petitioner without conducting any enquiry. On the other hand, learned Counsel appearing for the Central Government submits that under contract this was an agency, which can be terminated at any time.

On going through the show cause notice and the order, it is abundantly clear that the petitioner's agency was cancelled on the ground that he had committed forgery with respect to certain policies. This is definitely creating a stigma, which would have civil consequences for the petitioner and the order has been passed without conducting any enquiry and affording a reasonable opportunity to the petitioner to defend himself. When he sought some records they were not provided to him.

In these circumstances, the writ petition is allowed. The impugned order is set aside. However, the respondents shall be at liberty to conduct an enquiry, if so advised. No costs.

5th August, 2004

LUR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Thursday, the fifth day of July, Two thousand and four.

REGISTRAR

To:

1.The District Collector (NSS),
O/o District Collector, Station Road,
Hyderabad.
2.The Special Tahsildhar,
O/o Special Tahsildhar, National Saving Schemes,
Hyderabad dist, Hyderabad.
3.The Superintendent Of Post Office,
South - East Division, Kachiguda,
Hyderabad.

4.Two CD copies.